

CLOVIS CITY COUNCIL MEETING

August 5, 2019

6:00 P.M.

Council Chamber

Meeting called to order by Mayor Pro Tem Flores
Flag Salute led by Boy Scout Rafael Rios

Roll Call: Present: Councilmembers Ashbeck, Flores, Mouanoutoua, and Whalen
Absent: Mayor Bessinger

PRESENTATION

1. NONE.

PUBLIC COMMENTS – 6:03

Linda Richardson, resident, thanked staff for their support for the Freedom Fest 4th of July celebration held at Clovis High.

CONSENT CALENDAR - 6:05

Motion by Councilmember Ashbeck, seconded by Councilmember Whalen, that the items on the Consent Calendar be approved. Motion carried 4-0-1 with Mayor Bessinger absent.

2. City Clerk – Approved – Minutes from the July 15, 2019 Council Meeting.
3. City Clerk – Approved – Waive Normal Purchasing Process and approve the purchase of replacement desktop computers and servers using competitively bid contracts with purchasing provisions for California State and local government agencies.
4. Administration - Approved - City of Clovis Americans with Disabilities Act Transition Plan Update.
5. Finance - Receive and Filed – Investment Report for the month of May 2019.
6. Finance - Receive and Filed – Treasurer’s Report for the month of May 2019.
7. General Services - Received and Filed 3rd Quarter FY 2018-19 General Services Department Report.
8. General Services - Received and Filed 4th Quarter FY 2018-19 General Services Department Report.
9. Planning and Development Services - Approved – Final Acceptance for CIP 14-21, Shaw/Locan Traffic Signal & Widening.
10. Planning and Development Services - Approved - Bid Award for CIP 17-11, Ashlan Alley Project, and; Authorize the City Manager to execute the contract on behalf of the City.
11. Planning and Development Services - Approved – Final Acceptance for CIP 17-19 Paula Avenue, Homsy Avenue, and San Gabriel Sewer Replacement.
12. Planning and Development Services - Approved - Bid Award for CIP 18-09, Ashcroft/Holland Alley Project, and; Authorize the City Manager to execute the contract on behalf of the City.
13. Planning and Development Services – Approved - Authorize the City Manager to Execute a Quit Claim Deed for Excess and Unnecessary Right of Way Along Gettysburg Avenue East of Highland Avenue.

14. Planning and Development Services - Approved – Final Acceptance for Tract 6101, located on the southeast corner of Leonard Avenue and Dakota Avenue (DeYoung Properties).
15. Public Safety - Approved – **Res. 19-99**, Confirming Weed and Rubbish Abatement Charges for 2019.
16. Public Utilities – Approved - Recertification of the Sewer System Management Plan (SSMP) Five Year Update.
17. Public Utilities - Approved - Waive Formal Bidding Requirements and Authorize the Purchase of a Landfill Compactor off of the Sourcewell Purchasing Contract from Quinn Company.

PUBLIC HEARINGS

18. **6:06 - ITEM A - APPROVED - RES. 19-100**, ADOPTING AN ENVIRONMENTAL FINDING OF A MITIGATED NEGATIVE DECLARATION FOR REZONE R2019-004, CONDITIONAL USE PERMIT CUP2019-004, VESTING TENTATIVE TRACT MAP TM6262, VARIANCE V2019-001, AND RESIDENTIAL SITE PLAN REVIEW RSPR2019-003, AND **ITEM B - APPROVED INTRODUCTION - ORD. 19-11**, R2019-004, APPROVING A REZONE OF A PORTION OF THE SITE FROM THE R-A (SINGLE-FAMILY RESIDENTIAL – 24,000 SQ. FT.) TO THE R-2 (LOW DENSITY MULTIPLE FAMILY RESIDENTIAL) (1 UNIT / 3,000 SQ. FT.) ZONE DISTRICT; AND **ITEM C - APPROVED - RES. 19-101**, CUP2019-004, APPROVING A CONDITIONAL USE PERMIT FOR A 185-LOT PLANNED RESIDENTIAL DEVELOPMENT WITH PRIVATE STREETS; AND **ITEM D - APPROVED - RES. 19-102**, TM6262, APPROVING A VESTING TENTATIVE TRACT MAP FOR A 185-LOT PLANNED RESIDENTIAL DEVELOPMENT, AND **ITEM E - APPROVED - RES. 19-103**, V2019-001, APPROVING A VARIANCE TO REDUCE THE MINIMUM DRIVE AISLE WIDTH FROM 26 FEET TO 20 FEET FOR PORTIONS OF THE PRIVATE ROADWAY NETWORK TO ACCOMMODATE A 185-UNIT TOWNHOME PROJECT FOR PROPERTY LOCATED AT ASSESSOR PARCEL NUMBERS (APNS) 561-260-10 AND 561-260-17.

Associate Planner Rickie Caperton presented a report on various items associated with approximately 12.50 acres of property located at the northwest corner of Spruce and Peach Avenues. The applicant is proposing a 185-unit gated townhome complex at the Project site shown in Figure 1 of the staff report. In order to accommodate the Project, the applicant is requesting to rezone a portion of an approximately 12.50-acre Project site, shown in Figure 2 below, from the R-A (Single-Family Residential-24,000 Sq. Ft.) to the R-2 (Low Density Multiple Family Residential) (1 Unit / 3,000 Sq. Ft.) Zone District. The Project also includes approval of a vesting tentative tract map for a gated 185-lot planned residential townhome development with private streets and a Homeowner's Association. Additionally, the applicant is requesting approval of a variance to reduce the minimum drive aisle width from 26 feet to 20 feet for portions of the private roadway network. Approval of this Project would allow the applicant to continue processing development drawings and to complete the Residential Site Plan Review process.

Dirk Poeschel, representing the applicant, addressed questions and spoke in support of the project. Robert Panell, area resident, north of the project, raised concerns about the northern boundary of the project. Linda Richardson, resident, asked questions of staff regarding parking and garage size. Bill Robinson, representing the current property owner, the Donaghy's, raised concerns regarding the intersection of Helm and Spruce.

Bill Robinson indicated that the property of the south would have an impact of approximately \$500,000. Marilyn Bardell, resident, questioned measurements between units. Sherry Gear, area resident, questioned the height of the fence on the north side of the project. Discussion by the Council.

Motion by Councilmember Whalen, seconded by Councilmember Mouanoutoua, for the Council to approve **Item A, Resolution 19-100**, adopting an environmental finding of a mitigated negative declaration for Rezone R2019-004, conditional use permit CUP 2019-004, vesting tentative tract map TM6262, variance V2019-001, and residential site plan review RSPR 2019-003. **Motion carried 3-1-1 with Councilmember Ashbeck voting no and Mayor Bessinger absent.**

Motion by Councilmember Whalen, seconded by Councilmember Mouanoutoua, for the Council to approve **Item B**, the introduction of **Ordinance 19-11**, R2019-004, approving a rezone of a portion of the site from the R-A (single-family residential – 24,000 sq. ft.) to the R-2 (low density multiple family residential) (1 unit / 3,000 sq. ft.) zone district. **Motion carried 4-0-1 with Mayor Bessinger absent.**

Motion by Councilmember Whalen, seconded by Councilmember Mouanoutoua, for the Council to approve **Item C, Resolution 19-101**, CUP2019-004, approving a conditional use permit for a 185-lot planned residential development with private streets. **Motion carried 3-1-1 with Councilmember Ashbeck voting no and Mayor Bessinger absent.**

Motion by Councilmember Whalen, seconded by Councilmember Mouanoutoua, for the Council to approve **Item D, Resolution 19-102**, TM6262, approving a vesting tentative tract map for a 185-lot planned residential development. **Motion carried 3-1-1 with Councilmember Ashbeck voting no and Mayor Bessinger absent.**

Motion by Councilmember Whalen, seconded by Councilmember Mouanoutoua, for the Council to approve **item E, Resolution 19-103**, V2019-001, approving a variance to reduce the minimum drive aisle width from 26 feet to 20 feet for portions of the private roadway network to accommodate a 185-unit townhome project for property located at assessor parcel numbers (APNs) 561-260-10 and 561-260-17. **Motion carried 3-1-1 with Councilmember Ashbeck voting no and Mayor Bessinger absent.**

19. **7:40 - CONTINUED - RES. 19-XX**, RESOLUTION OF NECESSITY TO DETERMINE THAT PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF PROPERTY FOR PUBLIC PURPOSES AND; AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR TWO PROPERTIES LOCATED AT THE NORTHEAST CORNER OF SUNNYSIDE AVENUE AND FOURTH STREET. ADDRESSES: 1403 FOURTH STREET; APN: 491-191-18 AND 1421 FOURTH STREET; APN: 491-191-17. OWNERS: FLORES LIVING TRUST.

Mayor Pro Tem Flores indicated that he has a conflict of interest with this item and that he would recuse himself and left the dais at 7:40

Councilmember Ashbeck indicated that staff was recommending that this item be continued to a date certain due to it requiring a 4/5th vote for approval. Councilmember Ashbeck indicated that this item will be continued to September 3, 2019. There being no

public comment, Councilmember Ashbeck closed the public portion. Discussion by the Council. Motion by Councilmember Whalen, seconded by Councilmember Mouanoutoua, for the Council to continue this item to the September 3, 2019 Council meeting. Motion carried 3-0-1-1 with Mayor Bessinger absent and Mayor Pro Tem Flores abstaining.

Councilmember Flores returned to the dais at 7:42.

CORRESPONDENCE

20. NONE.

ADMINISTRATIVE ITEMS

21. 7:42 - APPROVED – LAND TENURE AGREEMENT WITH FRESNO WILDLIFE REHABILITATION SERVICE TO CONSTRUCT THE NATURE CENTER AT DAVID MCDONALD PARK AND AUTHORIZE CITY MANAGER TO EXECUTE THE AGREEMENT

City Manager Luke Serpa presented a report on a request to approve a land tenure agreement with Fresno Wildlife Rehabilitation Service to construct The Nature Center at David McDonald Park and authorize city manager to execute the agreement. Council identified the park now known as David McDonald Park as a location for a Nature Center in 2007 in cooperation with the non-profit organization Fresno Wildlife Rehabilitation Services (FWRS). FWRS has acquired funding for construction of the first phase of the project, which will be identified as The Nature Center. FWRS has submitted a request for land at the park to construct the facility and has complied with all of the City's requirements for this type of partnership with the City. Staff is recommending that Council approve the attached Land Tenure Agreement to provide the land for FWRS to build The Nature Center at David McDonald Park.

Kathy Garner, FWRS founder and president, spoke in support and addressed questions of Council. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Mouanoutoua, for the Council to approve a land tenure agreement with Fresno Wildlife Rehabilitation Service to construct The Nature Center at David McDonald Park and authorize city manager to execute the agreement. Motion carried 4-0-1 with Mayor Bessinger absent.

22. 8:05 - APPROVED – **RES. 19-104**, APPROVING THE EXCEPTION TO THE 180-DAY WAIT PERIOD (GOVERNMENT CODE SECTIONS 7522.56 & 21224) PERTAINING TO THE HIRING OF BRYAN ARAKI AS EXTRA HELP FOR CRITICAL CITY PLANNING PROJECTS

Personnel / Risk Manager Lori Shively presented a report on a request to approve the exception to the 180-day wait period (Government Code Sections 7522.56 & 21224) pertaining to the hiring of Bryan Araki as extra help for critical city planning projects. The Planning and Development Services Department requests authority to utilize the exception provided in Government Code section 21224 to hire a retired CalPERS employee for a limited duration, not to exceed six months, to provide oversight and specialized training regarding the Regional Housing Needs Allocation (RHNA) program compliance and train staff in regards to continuing essential City projects and to complete the SB2 housing grant. There being no public comment, Mayor Pro Tem

Flores closed the public portion. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Whalen, for the Council approve the exception to the 180-day wait period (Government Code Sections 7522.56 & 21224) pertaining to the hiring of Bryan Araki as extra help for critical city planning projects. Motion carried 4-0-1 with Mayor Bessinger absent.

CITY MANAGER COMMENTS – 8:07

City Manager Luke Serpa commented on the Citizen's Academy and direction going forward for the September Academy.

COUNCIL ITEMS 8:08

23. Council Comments

Councilmember Whalen commented on the Extreme Makeover Home Edition Clovis filming and what positive comments he received about city support, he also commented on Matt Basgall's retirement and how well it was done.

Councilmember Ashbeck also commented on Matt Basgall's retirement. She also commented on the mass shootings over the weekend in Gilroy, El Paso, and Dayton. She called out the Fire Department cooking dinner at Woods Mobile Home Park during the power outage and what a great job they did.


Mayor Pro Tem Flores also commented on the mass shootings in Gilroy, Dayton, and El Paso and acknowledged that first responders get their due respect.

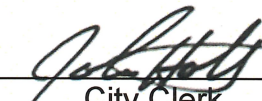
CLOSED SESSION

24. None.

Mayor Pro Tem Flores adjourned the meeting of the Council to September 3, 2019

Meeting adjourned: 8:14 p.m.


Mayor


City Clerk

